

ADVISORY OPINION 94-012

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

August 23, 1994

Mr. Stephen G. Horner, Treasurer
Jefferson County Democratic Executive Committee
2504 Goldsmith Lane
Louisville, Kentucky 40218-1021

Dear Mr. Horner:

Thank you for contacting the Registry of Election Finance. The facts to your question can be stated as follows:

You represent the Jefferson County, Kentucky, Democratic Executive Committee. Your party is interested in fundraising. You recognize that an individual is limited yearly to a \$1,000 contribution to the Jefferson County, Kentucky, Democratic Executive Committee under KRS 121.150(11). You are interested in not having the cost of a fundraiser dinner ticket counted against this \$1,000 limit. (E.g.: The ticket cost \$500.00, but it cost the committee \$25.00 per ticket to provide dinner or refreshments.)

Based on the facts you have provided, your question can be stated as follows:

...May the Jefferson County Democratic Party Executive Committee not count the price of the actual dinner provided (or similar services) when contributors make contributions in the form of the purchase of fundraiser dinner tickets?

The answer to your question is no. While you characterize the transaction you propose in terms of "net profit" and "net donations," political contributions under KRS Chapters 121 and 121A are not treated as business transactions, or as some form of charitable contribution. Thus, the Registry does not analyze political contributions and political contributions limits by analogizing the relevant sections of KRS Chapters 121 and 121A to the state or federal tax codes.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/db